

Item W05-05 Response Form

Title: Child Support: Telephone Appearance in Title IV-D Hearings (adopt Cal. Rules of Court, rule 5.324; adopt form FL-679; approve form FL-681)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, February 4, 2005

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<i>Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.</i>
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Title	Child Support: Telephone Appearance in Title IV-D Hearings (adopt Cal. Rules of Court, rule 5.324; adopt form FL-679; and approve form FL-681)
Summary	Assembly Bill 1704 (Stats. 2004, ch. 339 [chaptered August 30, 2004]) requires the Judicial Council to adopt court rules permitting telephone appearances by July 1, 2005. The proposed new rule and mandatory form would permit telephone appearances in title IV-D hearings involving local child support agencies. An optional form for clerk calendaring of the telephone appearance phone number is included.
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs
Staff	Ruth K. McCreight, 415-865-7666, ruth.mccreight@jud.ca.gov
Discussion	<p>Assembly Bill 1704 requires the Judicial Council, by July 1, 2005, to adopt court rules implementing the provisions of Family Code section 4930(f), which permits hearings by telephone or by audiovisual or other electronic means in interstate child support cases. New Family Code section 5003, which becomes effective July 1, 2005, provides that telephonic, audiovisual, or other electronic hearings may also be permitted in cases in which the local child support agency is providing services but both parties reside in California.</p> <p>Proposed rule 5.324 would allow telephone appearances in title IV-D governmental child support cases. Title IV-D cases are those brought under title IV-D of the Social Security Act, which requires each state to establish and enforce support orders on behalf of custodial parents. Telephone appearances are already authorized in interstate governmental child support cases by Family Code section 4930(f) and in civil cases by rule 298 of the California Rules of Court. While the Family Code contains two versions of section 4930, only the first one, which makes telephone appearances permissive, is in effect in California. The contingencies that must occur in order for the second version of section 4930, with mandatory telephone appearances, to become effective have not yet happened.</p> <p>Witness testimony by telephone would be permissible, and the procedure for swearing in witnesses could be followed in the context of a telephone appearance. The rule addresses due process concerns regarding confrontation of witnesses and evaluation of witness demeanor in the following ways: (1) certain proceedings such as trials</p>

and contempt hearings have been excluded from the rule; (2) the proposed procedure provides the applicant with a detailed advisement about what he or she is waiving by requesting a telephone appearance; (3) the rule provides the other parties with an opportunity to object to the telephone appearance eight court days before the hearing; and (4) appearances by audiovisual or other electronic means are included within the definition of telephone appearance.

The proposed rule would require a party, an attorney, a witness, or a representative of a local child support agency or government agency who wishes to appear by telephone to file a request with the court clerk at least 12 court days before the hearing. Any opposition to the request for a telephone appearance would be filed at least 8 court days before the hearing. At least 5 court days before the hearing, the court would notify the parties of its decision on the request for a telephone appearance, or direct the court clerk, local child support agency, a party, or an attorney to provide the notification. The proposed rule also would require each court to publish a notice that provides information about the telephone appearance rule.

A rule allowing appearances by telephone would greatly improve the administration of the high volume of child support cases handled by the state Department of Child Support Services (DCSS). DCSS is striving to increase participation by parents, especially noncustodial parents, in the process of establishing child support orders. Participation by both parents is needed for fair and accurate child support orders. Such participation would be fostered by the option to appear by telephone.

Procedures related to vendors, audibility, reporting, and information under this rule are similar to those for rule 298, which governs telephone appearances in civil cases. However, this rule differs from rule 298 in permitting telephone appearances in contested title IV-D child support hearings at which witnesses may be called to testify. Therefore this rule requires a declaration under penalty of perjury under the laws of the State of California, from the applicant explaining the reasons for requesting the telephone appearance and provides a procedure for objections by the other party. In contrast to rule 298, under proposed rule 5.324 the judicial officer must make a discretionary decision about whether a party can appear by telephone. If the judicial officer grants the request for a telephone appearance, the judicial officer would be authorized at any time during the hearing to continue the matter to require a personal appearance if it becomes necessary.

Proposed form FL-679, *Request for Telephone Appearance (Governmental)*, would enable an applicant to file and serve a request for appearance by telephone. The form includes a detailed advisement concerning the rights and procedures associated with a telephone appearance in a title IV-D hearing. The form would be mandatory. Proposed form FL-681, a clerk calendar cover sheet, would be an optional form to assist the clerk in recording the telephone appearance phone number and the method used to confirm the identity of the caller.

Under proposed rule 5.324, whether to permit the telephone appearance is solely within the court's discretion. Item 3 of the form, which asks for information supporting the request for telephone appearance, is intended to provide the child support commissioner with information that may be helpful to the exercise of that discretion.

The text of the proposed rule is attached at pages 4–5. The proposed forms are attached at pages 6–10.

Attachments

Rule 5.324 of the California Rules of Court would be adopted, effective July 1, 2005, to read:

Rule 5.324. Telephone appearance in title IV-D hearings and conferences

(a) **[Purpose]** This rule is adopted to improve the administration of the high volume of title IV-D child support hearings and conferences. Participation by both parents is needed for fair and accurate child support orders. The opportunity to appear by telephone fosters parental participation.

(b) **[Definition]** “Telephone appearance,” as used in this rule, includes any appearance by telephonic, audiovisual, videoconferencing, digital, or other electronic means.

(c) **[Permissibility of telephone appearances]** Upon request, the court, in its discretion, may permit a telephone appearance in any hearing or conference related to an action for child support under title IV-D of the Social Security Act.

(d) **[Exceptions]** A telephone appearance is not permitted for any of the following:

(1) Contested trials, contempt hearings, orders of examination, and any matters in which the party or witness has been subpoenaed to appear in person.

(2) Any hearing or conference for which the court, in its discretion on a case-by-case basis, decides that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case.

(3) Cases in which the identity of the person appearing by telephone is in question or cannot be verified.

(e) **[Request for telephone appearance]**

(1) A party, an attorney, a witness, or a representative of a local child support agency or government agency may request permission of the court to appear and testify by telephone. The court may also, on its own motion, allow a telephone appearance.

(2) A party, an attorney, a witness, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 12 court days before the hearing. This request must also be served on the other parties,

the local child support agency, and attorneys, if any. Service must be by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery by the close of the next court day.

(3) The mandatory Judicial Council form FL-679, *Request for Telephone Appearance (Governmental)*, must be filed to request a telephone appearance.

(f) [Opposition to telephone appearance] Any opposition to a request to appear by telephone must be made by declaration under penalty of perjury under the laws of the State of California. It must be filed with the court clerk and served at least eight court days before the court hearing. Service on the person or agency requesting the telephone appearance; all parties, including the other parent; the local child support agency; and attorneys, if any, must be accomplished using one of the methods listed in (e)(2).

(g) [Shortening time] The court may shorten the time to file, submit, serve, respond, or comply with any of the procedures specified in this rule.

(h) [Notice by court] At least five court days before the hearing, the court must notify the person or agency requesting the telephone appearance, the parties, and attorneys, if any, of its decision. The court may direct the court clerk, the court-approved vendor, the local child support agency, a party, or an attorney to provide the notification. This notice may be given in person, or by telephone, fax transmission, express mail, e-mail, or other means reasonably calculated to ensure notification no later than five court days before the hearing date.

(i) [Need for personal appearance] If, at any time during the hearing, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

(j) [Vendors, procedure, audibility, reporting, and information] Subdivisions (f) through (j) of rule 298 apply to telephone appearances under this rule.

(k) [Technical equipment] Courts that lack the technical equipment to implement telephone appearances are exempt from the rule.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="display: flex; justify-content: space-between;"> <div> TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): </div> <div> FAX NO. (Optional): </div> </div>	FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold;">DRAFT 10</div> <div style="font-size: 24pt; font-weight: bold;">12-06-04</div> <div style="font-size: 24pt; font-weight: bold;">MC</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PETITIONER/PLAINTIFF: DEFENDANT/RESPONDENT: OTHER PARENT:	
REQUEST FOR TELEPHONE APPEARANCE	

1. I, (name): _____, am the _____
- ☐ petitioner/plaintiff
 ☐ respondent/defendant
 ☐ other parent
 ☐ attorney for (name): _____
- ☐ local child support agency representative
 ☐ other (specify): _____ in this case.

If there are domestic violence or other confidentiality issues in this case and you do not want your home or work phone number made publicly available, please fill in below, in number 2, a phone number other than these numbers.

2. I ask the court to allow me to appear from telephone number () _____ for the hearing set on _____ of the above named court.
 (date) (time) am/pm in Department _____
3. I would like the court to consider the following information in making its decision whether to allow me to appear by telephone (check all that apply):
- a. ☐ I live or work outside of the State of California in (specify location): _____
- b. ☐ I live _____ miles from the above courthouse where the hearing is set (explain): _____
- c. ☐ I ☐ am disabled.
☐ am housebound.
☐ am severely ill.
☐ will be incarcerated or confined in (specify): _____
 prison, jail, or other institution at the time of the hearing.
☐ would experience a hardship, including employment or financial hardship, if I had to personally appear (specify): _____
- d. ☐ Other (specify): _____
4. a. ☐ I have filed this request at least **12 court days** before the hearing and have served or will serve all parties (the local child support agency and other parent) and attorneys, if any, with this form by personal delivery, facsimile transmission (fax), express mail, or other reasonable means to ensure delivery by the close of the **next court day** after filing this form.
- b. ☐ If there are financial issues to be decided, I have filed and served on all parties a current *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155) along with the request or response to the hearing. (Read page 2 of form FL-155 to determine which form to use.)
- c. ☐ I have complied with all requirements of the local rules of court for other supporting proof.
5. I agree to be responsible for the costs and arrangements of this telephone appearance if required by the court.
6. ☐ Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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ADVISEMENT REGARDING TELEPHONE APPEARANCE

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
2. I will provide my driver's license number, social security number, or other information to verify my identity when asked by the court staff or conference call provider.
3. I understand that the court may not have videoconferencing capabilities. I understand and assume the risk that I may not be able to personally see or inspect the pleadings, documents, or evidence, the witnesses' facial reactions, demeanors, or hand gestures, or other visual or nonverbal aspects of the hearing.
4. I understand that, if I do not make the proper arrangements for a telephone appearance, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
5. I understand that the court, in its discretion, may decide to terminate the telephone appearance if it determines during the hearing that a personal appearance would materially assist in the determination of the proceedings. Reasons for terminating the telephone appearance could include my not being available at the calendar call, delay, questions about credibility, disruption, noise, misconduct, a communication problem, a technical problem, and other problems.
6. I understand that the court may decide at any time to require my personal appearance and continue my hearing to a future date to make my personal appearance possible.
7. I assume the risks of cost, time, delay, repeated telephone calls, technical failure, a wrong number, and other problems that could arise out of this telephone appearance.
8. I understand that if I need to present documents, present witnesses, cross-examine witnesses, or provide information that is not available at the hearing, it is my responsibility to ask the court to continue the hearing. The court may decide to grant or deny my request. I understand that any arguments or supporting proof should be served and filed on time before the hearing so that the court, the local child support agency, and the other parent have an opportunity to know about my case.
9. I understand that the court may require me to make all arrangements for the telephone appearance at my own expense.
10. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of conference call vendor fees. If the court makes collect calls for telephone appearances and so orders me, I will be available to receive a collect call from the court at the date and time specified. The telephone number will not be one that is blocked from receiving collect calls. If there are domestic violence or other confidentiality issues in the case and I do not wish my home or work phone number to be made publicly available, I will provide a number other than my home and work numbers at which the court can call me collect.
11. If there are financial issues to be decided, I understand that it is my responsibility to timely file with the court and serve on the local child support agency and the other parent all necessary and appropriate pleadings and documents, including:
 - a. *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155), whichever is appropriate. (Read page 2 of form FL-155 to determine which form to use.)
 - b. My pay stubs from the last two months or other proof of income.
 - c. The proposed guideline support calculation (optional unless required by local court rule).

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, before the hearing, you or any other party objects to the commissioner's acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection (Governmental)* (form FL-666); otherwise, the recommended order will become a final order of the court). If you object to the recommended order, a judge will make a temporary order and set a new hearing.

I have read the Advisement Regarding Telephone Appearance of this form and I understand that the terms apply to me.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

INFORMATION SHEET
(Do *not* deliver this Information Sheet to the court clerk.)

ATTENTION: Read the **Advisement Regarding Telephone Appearance** on page 2 of this form to understand your rights.

You can get more information about the telephone appearance process, including any costs, from your local court clerk.

Ask a family law facilitator, the local child support agency, or a lawyer if you have any questions about this process.

For more information on finding a lawyer or family law facilitator, see the Online Self-Help Center at www.courtinfo.ca.gov/selfhelp/.

Asking for a Telephone Appearance

1. You must use form FL-679 to request a telephone appearance. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee, contact the court clerk or the family law facilitator in your county.
2. Check with the local court clerk, family law facilitator, or local child support agency for local information related to the telephone appearance.

Instructions for Completing the *Request for Telephone Appearance (Governmental)* (form FL-679)

1. File your request with the court clerk's office using this form no later than **12 court days** before the hearing. (**PLEASE NOTE:** You must still file your moving or opposing papers.)
2. Serve all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, facsimile transmission (fax), express mail, or other reasonable means to make sure this form is delivered by the close of the **next court day** after you file this form.

Opposing a Telephone Appearance

1. At least **eight court days** before the hearing, you must file and serve a declaration under penalty of perjury under the laws of the State of California explaining why you oppose a telephone appearance by the other party or a witness. Your declaration must state "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct." You may use form MC-030, *Declaration*, which you can get from the court clerk or the California Courts Web site at www.courtinfo.ca.gov/forms/. If you do not file a declaration under penalty of perjury opposing a telephone appearance, you give up your chance to object.
2. Serve the person or agency requesting the telephone appearance, all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, facsimile transmission (fax), express mail, or other reasonable means to make sure your declaration is delivered by the close of the **next court day** after you file this form.

The Court's Decision on the Telephone Appearance

At least **five court days** before the hearing, the court will notify or direct that notice of its decision on the request for a telephone appearance be given to the person or agency requesting the telephone appearance, the parties, and attorneys, if any. This notice may be given by telephone, in person, or by facsimile transmission (fax), express mail, e-mail, or other reasonable means to ensure notification no later than **five court days** before the hearing date.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is *(specify)*:

3. I served a copy of the foregoing *Request for Telephone Appearance (Governmental)* and all attachments as follows *(check either a, b, or c for each person served)*:
 - a. ☐ **Personal delivery.** I personally delivered a copy and all attachments as follows:

(1) <input type="checkbox"/> Name of party or attorney served:	(2) <input type="checkbox"/> Name of local child support agency served:
(a) Address where delivered:	(a) Address where delivered:
(b) Date delivered:	(b) Date delivered:
(c) Time delivered:	(c) Time delivered:
 - b. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope and
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown below, following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) ☐ Name of party or attorney served:
 - (3) ☐ Name of local child support agency served:

(a) Address where delivered:	(a) Address where delivered:
(b) Date mailed:	(b) Date mailed:
(c) Place of mailing <i>(city and state)</i> :	(c) Place of mailing <i>(city and state)</i> :
 - c. ☐ **Other *(specify)*:**
☐ Additional page is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON WHO SERVED REQUEST)

CLERK CALENDAR COVER SHEET (FOR COURT CLERK USE ONLY)
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Case name:

Case number:

Hearing date:

Time:

Department:

☐ Moving party:

☐ Responding party:

☐ Local child support agency:

☐ Witness/other:

☐ Notification by:

Telephone Appearance Number:

☐ Court-approved vendor:

☐ Caller name:

☐ Caller number:

Caller Identified By:

☐ Driver's license number *(Do not write the number here.)*

☐ Social security number *(Do not write the number here.)*

☐ Other *(describe):*

☐ Verified by:

2004 Cal ALS 339, *; 2004 Cal AB 1704

DEERING'S CALIFORNIA ADVANCE LEGISLATIVE SERVICE

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2004 REGULAR SESSION

CHAPTER 339 (Assembly Bill No. 1704)

BILL TRACKING SUMMARY FOR THIS DOCUMENT

2004 Cal ALS 339; 2004 Cal AB 1704; Stats 2004 ch 339

Approved by Governor August 27, 2004. Filed with Secretary of State August 30, 2004. Urgency legislation is effective immediately. Non-urgency legislation will become effective January 1, 2005

 To view the next section, type .np* and TRANSMIT.

To view a specific section, transmit p* and the section number. E.g. p*1

DIGEST: AB 1704, Committee on Judiciary. Family law: local child support agencies.

(1) Existing law specifies the information to be contained in an acknowledgment of satisfaction of judgment.

This bill would authorize a local child support agency director or his or her designee to execute and acknowledge an acknowledgment of satisfaction of judgment if the agency has been providing child support services, as specified, to be recorded pursuant to paragraph (1).

(2) Existing law sets forth the required informational contents of judgments for paternity and orders for child support.

This bill would make those requirements inapplicable in cases in which a local child support agency is providing child support services, and would make related changes.

(3) Existing law authorizes a local child support agency to serve a respondent with a form of a proposed judgment specifying his or her presumed income if the actual income is not known to the agency.

This bill would revise the determination of that presumed income.

(4) Existing law authorizes hearings regarding support orders that involve an out-of-state party to be conducted by telephone conference or other remote means.

This bill would extend this authorization to instances in which both parents reside in California, and would require the Judicial Council to adopt rules of court regarding such hearings on or before July 1, 2005.

(5) Existing law provides that once a parent has requested or is receiving support enforcement services, a local child support agency or the Attorney General is required to serve on a parent all child support pleadings served on the agency, as specified.

This bill would impose a state-mandated local program by extending this requirement to paternity pleadings served on a local child support agency. The bill would also apply to paternity pleadings served on the Attorney General.

(6) Existing law authorizes a court, on terms that may be just, to relieve a defendant from that part of a judgment or order concerning the amount of child support to be paid in an action filed by a local child support agency.

This bill would specify that a court may set aside that part of the judgment or order, and require the Judicial Council to revise related forms effective July 1, 2005.

(7) Existing law authorizes certain documents to be recorded without acknowledgment, certificate of acknowledgment, or further proof.

This bill would authorize to be recorded under these provisions a notice of support judgment and other specified documents completed and recorded by a local child support agency or a state agency acting pursuant to specified provisions of the federal Social Security Act.

(8) Existing law authorizes each trial court to establish and appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, and provides that, as of a specified date, all persons who were authorized to serve as subordinate judicial officers are authorized to serve as subordinate judicial officers at their existing salary rate, which may be a percentage of the salary of a judicial officer.

This bill would provide that certain child support commissioners shall receive a salary equal to 85% of a superior court judge's salary.

(9) Existing law authorizes a support obligor to apply for a claim of exemption from a levy by the Franchise Tax Board, as specified.

This bill would limit that authorization to specified instances in which the support obligor is in compliance with scheduled payments on child support arrearages.

(10) Existing law specifies the persons who may inspect a case file with respect to juvenile court proceedings.

This bill would add to the list of persons so authorized, a local child support agency for purposes of establishing paternity and establishing and enforcing child support orders.

(11) This bill would also incorporate further amendments to Section 827 of the Welfare and Institutions Code proposed by AB 2228, contingent upon its prior enactment.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$ 1,000,000 statewide and other procedures for claims whose statewide costs exceed \$ 1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

SYNOPSIS: An act to amend Section 724.060 of the Code of Civil Procedure, to amend Sections 4014, 4202, 5002, 17400, 17406, 17432, and 17500 of, and to add Section 5003 to, the Family Code, to amend Section 27282 of the Government Code, to amend Section 19271.6 of the Revenue and Taxation Code, and to amend Section 827 of the Welfare and Institutions Code, relating to family law.

NOTICE: [A> Uppercase text within these symbols is added <A]

* * * indicates deleted text

TEXT: The people of the State of California do enact as follows:

...

...

[*2] SECTION 2. Section 4014 of the Family Code is amended to read:
§ 4014.

(a) Any order for child support issued or modified pursuant to this chapter shall include a provision requiring the obligor and child support obligee to notify the other parent or, if the order requires payment through an agency designated under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651, et seq.), the agency named in the order, of the name and address of his or her current employer.

(b) [A> THE REQUIREMENTS SET FORTH IN THIS SUBDIVISION APPLY ONLY IN CASES IN WHICH THE LOCAL CHILD SUPPORT AGENCY IS NOT PROVIDING CHILD SUPPORT SERVICES PURSUANT TO SECTION 17400. <A] To the extent required by federal law, and subject to applicable confidentiality provisions of state or federal law, any judgment for paternity and any order for child support entered or modified pursuant to any provision of law shall include a provision requiring the child support obligor and obligee to file with the court all of the following information:

- (1) Residential and mailing address.
- (2) Social security number.
- (3) Telephone number.
- (4) Driver's license number.
- (5) Name, address, and telephone number of the employer.
- (6) Any other information prescribed by the Judicial Council.

The judgment or order shall specify that each parent is responsible for providing his or her own information, that the information must be filed with the court within 10 days of the court order, and that new or different information must be filed with the court within 10 days after any event causing a change in the previously provided information.

(c) [A> THE REQUIREMENTS SET FORTH IN THIS SUBDIVISION SHALL ONLY APPLY IN CASES IN WHICH THE LOCAL CHILD SUPPORT AGENCY IS NOT PROVIDING CHILD SUPPORT SERVICES PURSUANT TO SECTION 17400. <A] Once the child support registry, as described in Section 16576 of the Welfare and Institutions Code is operational, any judgment for paternity and any order for child support entered or modified

pursuant to any provision of law shall include a provision requiring the child support obligor and obligee to file and keep updated the information specified in subdivision (b) with the child support registry.

(d) The Judicial Council shall develop forms to implement this section. The forms shall be developed so as not to delay the implementation of the Statewide Child Support Registry described in Section 16576 of the Welfare and Institutions Code and shall be available no later than 30 days prior to the implementation of the Statewide Child Support Registry.

.....

§ 4930. (First of two; Operative term contingent)Special evidentiary rules

(a) The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

HISTORY: Added Stats 1997 ch 194 § 2 (SB 568).

NOTES:

HISTORICAL DERIVATION:

(a) Former Fam C § 4839, as enacted Stats 1992 ch 162 § 10.

(b) Former CCP § 1681, as added Stats 1951 ch 694 § 1.

(c) Former CCP § 1688, as added Stats 1953 ch 1290 § 2.

COLLATERAL REFERENCES:

Cal Forms PI & Practice (Matthew Bender) ch 258 "Family Law Enforcement" VIII(C)(3).

Cal Forms PI & Practice, Ch. 260, "Family Law Enforcement: Foreign Judgments".

Witkin Summary (9th ed) Parent & Child § § 83, 326, 326RR.

Cal Jur 3d (Rev) Family Law § 1410.